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ABSTRACT

This paper attempts to establish a theory of communication essential to democratic diversity. Twelve kinds of diversity, divided into two classes, are described. One class relates to the way in which diverse things differ, the other class relates to the kinds of things which are diverse. The criteria for evaluating the importance of a certain kind of diversity are relevance to democracy, openness in the marketplace of ideas, and freedom of speech and of the press. Eight propositions regarding diversity are put forward and discussed. (CH)

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"Concepts of Diversity"
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Representative Diversity

Broadcast law is more rumor than fact. For example, the first half of the Fairness Doctrine has never been enforced. (I refer here to the obligation to present issues and provide "access for representative community views and voices".) Nevertheless, there is talk about whether the law that is said to exist ought to exist. What is it we want media law to do? What would the world be like if there was none? Most often our objective is said to be diversity of some sort: diversity of ownership, diversity of voices, program diversity, diversity of ideas in a marketplace of ideas. We want to avoid monopoly and uniformity and the opposite of one is many--that is, diversity. The word "diversity" expresses opposition to the idea that the media might be controlled by a few.

It isn't very helpful to say that the need for diversity is what justifies media regulation. There are many kinds of "diversity" which are relevant to media policy and law. Some are of fundamental importance and others are not important at all. In order to say what our objectives are, in order to say what it is that we need and want, we have to use a somewhat different conceptual framework than has previously been employed.

My concern here is with ideas of diversity which express First Amendment goals and concerns. This paper is offered as a bridge from the established discussion of "diversity" to a theory of the kinds of communication essential to democracy, i.e., to a theory of democommunications. I wish to assemble

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some fairly intuitive results in the theory of democommunications. I hope to indicate new ways to conceptualize the concerns and committments which motivate (honest) people when they talk of "diversity". We need to shape a new agenda for media research and analysis.

I want to present these results as several propositions. An overview of the matters for discussion can be obtained with reference to the table below "12 Kinds of Diversity."

The twelve kinds of diversity exhibited are generated by a cross-classification in terms of two different divisions.

One division is in relation to the way in which the diverse things differ:

1. Numerical diversity
2. Political diversity
3. Representative (political) diversity

(As will be seen, representative diversity takes us beyond diversity.)

The other division is in relation to the kinds of things which are diverse; namely:

1. diversity of ownership
2. diversity of voices
3. diversity of views (ideas)
4. diversity of communications (voices-in-communication)

Table: 12 Kinds of Diversity

This table is constructed so that it ranks the 12 kinds of diversity in something like the order of their importance. The least important - numerical diversity of ownership - is in the upper left hand corner. The most important - representative diversity of communications - is in the lower right corner. The criterion of importance here is relevance to our quest for democracy; specifically, relevance to openness in the market place of ideas, to creation of the system of communications least restrictive of "freedom of speech and of the press."

In Part I, I explore the first division indicated above; in Part II, the second division.

Part I

Proposition 1: Numerical diversity in itself is of no importance to democracy.

There is a difference between numerical diversity and diversity in kind. For example, when two women wear the same red dress to a party, a problem arises because there is numerical diversity without diversity in kind. What kind of diversity do we seek among media owners? Clearly it is not numerical diversity or diversity in such things as height or weight. The kind of diversity that is to the point is social-political-cultural diversity. All will agree that we do not have this kind of diversity in our present system of communications.

There is very little numerical diversity. In a typical big city, there are five million people, but only one newspaper, six television stations and twenty-five radio stations. Still, it does not follow that our goal is numerical diversity of ownership.

Numerical diversity need not lead to competition. This proposition is suggested by economic theory. It is confirmed in economics in a variety of cases. Consider two: (1) Eight oil companies control 95% of all gasoline and oil but they refuse to engage in price competition. They "administer"

prices. (2) There are over 200,000 truck drivers, but they refuse to engage in price competition in selling their labor. They belong to a single union. In general, rational parties with common interests will sometimes choose to cooperate rather than compete.

For the same reasons, numerical diversity of media owners and/or of media voices, does not necessitate either a competition of ideas in the marketplace of ideas or a competition of leaders in the political arena.

Proposition 2: Political diversity in itself is of no importance to democracy.

It is easy to establish that political diversity is not a sufficient condition for democracy. There can be diversity within a group even when that group includes only a small part of the total population. For example, the wealthy class, the 2 % that owns 80 % of all corporate stock and industrial assets, includes Democrats as well as Republicans and a diversity of views. Suppose that the wealthy monopolize access to the media. Then there is a political diversity in communications, but the result is not democracy. A society in which there is a competition between wealthy Republicans and wealthy Democrats is still an oligarchy. (Wealth is a condition of access as in another time, only landowners could vote.) Political diversity does not guarantee an open competition in which all citizens have an equal opportunity to participate or be represented.

Strictly speaking, political diversity is not even a necessary condition of democracy. We can easily see that diversity on a given issue is not a virtue. At any given time, there are some questions about which there is consensus, e.g., that there ought to be a Defense Department, that polution, famine, and nuclear war are terrible things, etc. A competition of ideas on some questions is pointless and unnatural. It is at least conceivable that at a given time everyone in a democracy might find themselves in agreement about everything. This is very unlikely if there are many people. Still, the mere possibility of it reveals something important to us in our effort to conceptualize objectives.

Even in a democracy, agreement - real voluntary agreement - is better than disagreement and dissension. We should value diversity, not in itself, but as a sign that it is possible in our society. What is required for democracy is an openness to political diversity.

Proposition 3: Openness to political diversity and political competition is essential to democracy.

"In a free society, there should be as much diversity of opinion as there happens to be - no more, and no less" (Paul Weaver, "How much diversity is enough-- and other notes on media diversity" Airlie Conference, 1976) What is essential to democracy is not diversity itself but openness to diversity. What is paramont is a system of communications in which there is an openness to competition. The media must be open to social change, to people with new sensitivities and initiatives.

The competition of ideas is an open competition when it is possible for new voices to make themselves heard - when it is possible for people to bring new issues to public debate and place them on the agenda for collective decision. We can borrow once again from economics: competition is assured only in those industries or fields of activity which are open to new entries at reasonable cost. (The automobile industry is closed to domestic competition. The candle industry is open.) This characterization of 'openness' applies very well to the field of mass communications. The media are open when people can, at reasonable cost, bring new issues to the attention of their fellow Americans. To open the media is to open the marketplace of ideas.

There is a familar objection to all this. There are 200 million Americans. How can anyone talk seriously about "open media" or "equal access to the marketplace of ideas"? Political equality in the spehere of mass communications seems impossible.

"Thousands of stations might be necessary to accomodate all the individuals who insist on airing their views through the microphone. If there are many such persons, as there undoubtedly are, the result(s) would be... to create an almost insoluble problem, i.e., how to choose from an excess of applicants..."

In the Matter of...Great Lakes Broadcasting Co.
3 FRC Ann. Rep. 32 (1929)

"When there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unabridgable First Amendment right to broadcast."

Red Lion Broadcasting v. FCC
395 U.S. 367 (1969)

Given the force of all this, it seems foolish to identify "openness" as our objective in media policy-making and legislation. It is foolish to orient ourselves to an objective which is unattainable. At this point it is tempting to say "If the media can't be open to all, they should at least be open to as many as possible. Our objective ought to be the maximum diversity possible." But, if the above critique of "diversity" is correct we can not now fall back from "openness" to "diversity". What is it then that we want?

What we face here is a conceptual deficiency. We are incapacitated by the same kind of "mental set" that keeps us from solving party riddles and puzzles. I want to show that we can overcome our difficulty and commit ourselves to an open society. We can do this by finding a place in our analysis of media policy for the concept of political representation.

Proposition 4 Our objective should be representative diversity.

The objection above that it is impossible to have open media is in effect an argument that democracy is impossible. This argument is as follows:

1. A democratic society is an open society (Proposition 3 above)
2. In a society of millions, effective participation in the competition of ideas is impossible without access to the media.
3. It is impossbile to open the media to millions.

Therefore, in a society of millions, democracy is impossible.

It is true that in a society of millions, direct democracy is impossible. Similarly, in a society of millions, it is impossible to suppose that everyone has a right of access. But, it does not follow that public access is impossible or that access should exist only for a privileged few. (This would be like supposing that, since not everyone can vote on every issue, we should be content with oligarchy.) We can meet the objection posed in opposition to Proposition 3 by bringing the principle of political representation into the sphere of mass communications. Access to the media should be distributed according to the principle of representation.

If access is distributed in this way then there will be a representative diversity in communications. There is representative diversity when the political diversity in communications is representative of the political diversity in the total society. To put it another way, there is representative diversity when the "structure" of diversity in communications corresponds to the structure of diversity in the society. Note that, in the limiting case, a representative diversity need not be an actual diversity. If at a given time there is no diversity in society, this absence of diversity will be reflected in the media. But representative diversity exists if and only if there is an openness to diversity. Representative diversity exists only when new ideas and leaders have an opportunity to compete for public acceptance. Representative diversity can be sustained only when there is openness to change.

Proposition 5 Representative diversity in mass communications can be achieved immediately by institution of a system of representative access to the media.

In general, a system of representative access is a set of institutions (policies, procedures, etc.) designed to provide access to those who are representative of whole groups of citizens. A system of representative access includes a specification of the access which is to be allocated and a specification of the criteria of representation by which this access will be allocated.

It is important to distinguish two kinds of "public" access. Direct citizen access is one of these and representative access is the other. A system

of citizen access would, if it were possible, provide every citizen with an opportunity to reach his fellow citizens. A system of representative access provides access for the representatives of all.

The idea of a system of representative access becomes more determinate when one begins to explore possible criteria of representation. What is needed are objective formula whereby spokesmen who are demonstrably representative of substantial and/or concerned groups can be identified. There are at least four important kinds of representatives.

1. Elected officials, leaders elected to public office. Representation is demonstrated by election results.

2. Party leaders, leaders of political parties whether elected to public office or not. The representational character of the party is demonstrated by election results or by voter registration. Spokesmen are party leaders elected within the party.

3. Leaders of large non-profit organizations which are formal and longstanding. Representation is demonstrated by size of membership.

4. Leaders of small, ad hoc organizations without much formal organization. Representation is demonstrated by petition and/or by other station ascertainment procedures.

Consider the following plan. The radio and TV stations in a given city cooperate in a system of representative access to produce 5 one minute "guest editorials" (Free Speech Messages) per week. Each station allocates 35 one minute spots per week for access and presents each of the five messages, seven times. They are regularly scheduled throughout the day including prime audience times. Thus, each message reachs the total population and becomes a "public event." Spokesmen representative of large groups, i.e., those who meet one of the first three criteria, receive regular access opportunities every other month. Ad hoc groups receive access on an occasional basis by satisfying the petition criterion. In two months 45 (9 weeks x 5) different access opportunities are allocated.

The law, in principle at least, (it is not enforced), already recognizes that broadcasters have an access obligation.

> "The question here is not whether there is to be discussion of controversial issues... The Commission stressed that, while the licensee has discretion in fulfulling its obligation under the fairness doctrine, it is required to 'present representative community views and voices'... 25 FCC 2nd at 222"
>
> CBS v. DNC
> 412 U. S. 94 (1973) pp 130, 131.

But this is a general obligation. It is to be met through the good faith efforts of big corporate licensees like GE and ITT who are to decide which views and voices are most important and in this way allocate access. This system has failed. The Committee for Open Media has shown that, in San Francisco at least, this obligation goes unfulfilled. But the Commission refuses to enforce the law. We now propose that instead of trying to regulate content as the law now provides, it would be far better to regulate access.

The doctrine of equal rights entails that I have a right to be represented in media debate. If each of us has a right to be represented, then those individuals who are demonstrably representative of whole groups have a right of access. In this way the law could recognize "a limited right of access to the media." Right of access would be limited to our representatives but, they, as bearers of our rights, would have a right of access that could not be abridged on the grounds that what they have to say is unimportant.

Institution of representative access is the easiest and simplest way to democratize the media, the only timely way, the only way compatible with economic limitations on diversity, the only politically feasible way. A system of representative access would separate control of communications and media ownership. We can achieve representative diversity in issue-oriented communications even in the absence of diversity of ownership. Representative access separates ownership and money from access and political power.

Freedom of the press is freedom of speech for those with access to a press. (This is the access definition of freedom of the press.) In a society of millions, freedom of speech without access to the press is ineffective--the

right to wail on a street corner and make a fool of yourself. It is impossible to recognize a right of direct access for all. Yet, it is in the interest of each of us that our feelings and beliefs are made known to our fellow citizens. Representative access maximizes the likelihood that my feelings and beliefs will be effectively communicated. In a society of millions, representative access maximizes freedom of the press.

Part II.

We turn now to the second division of kinds of diversity. We consider here diversity of owners, voices, and communications.

Consider again,
Democracy entails an openness to diverse communications on public issues (Proposition 3). All will agree that democracy requires openness to public debate in the very midst of the people, a competition of ideas in the market-place of ideas. Unfortunately, some people equate "diversity of communications" with "diversity of voices" and even suppose that, for all practical purposes, we are talking about diversity of media ownership.

Proposition 6: Diversity of ownership does not entail a diversity of voices on public issues.
(By "voices" here I denote both message-sources and program-sources. Strictly speaking, we are concerned about "sources" and not "voices". There is a specialization of function in broadcast operations. Many of the "voices" we hear are mere professional voices e.g. those of actors, fictional characters, local anchormen, etc.)

For the most part, media owners are gatekeepers, not voices. Corresponding to this distinction between voices and gatekeepers, we can distinguish two kinds of "editorial control". Formative control, the power to edit and shape messages, is exercised by those voices which gain access to the media. The voices (sources) we hear are those of entertainers, script-writers, song-writers journalists and advertizers. Allocative control is exercised by media owners in their role as gatekeepers. It is they who determine which "voices" will gain access. For the most part, they provide access to those who will atract am audience and then they sell advertizers access to those audiences.

The primary diversity in commercial broadcasting is the diversity of commercial voices. The voices we all hear are those of soap salesmen, medicine men and hawkers of wares- most of them in the employ of large corporations.

The typical media owner has little or no interest in self-expression. The typical media owner is either a large corporation or a millionaire businessman. Corporations are like the Cookie Monster. Their single thought is "Money, Money, Money". They wisely avoid giving expression to this thought. Millionaire businessmen, though not one-dimensional, are satisfied with the status quo and not concerned to discuss issues and possibilities. (Silence is the propaganda of the status quo.) The typical media licensee chooses not to speak. If it does editorialize, it avoids editorializing in relation to its own interests. The editorial department is distinct from the public relations department.

Thus, mere diversity of ownership is remote from democommunications. But this point is academic. Diversity of ownership is not an objective which can be achieved in the next 20 years. (The adjuticatory hearing process for the first successful competitive application will take ten years. It will take another 10 years for the successors to transform the industry.)

Proposition 7: A diversity of voices does not entail a diversity of communications or voices-in-communication.

A diversity of voices does entail a diversity of messages. But, a message is not a communication unless it is received. A diversity of voices is a necessary but not sufficient condition of a diversity of communications. In a typical city, there are six TV stations and 25 radio stations but 4 or 5 stations control 90% of all communications on issues.

A communication is two-sided. It involves a receiver as well as a source. It is important to distinguish two kinds of communications. There are receiver-initiated communications and there are source-initiated communications.

(1) Receiver-initiated communications are communications occasioned by a message receiver. Someone seeks out and consciously chooses to receive a particular message, e.g. chooses to read a certain book or to tune in a

particular program. Suppose Jones goes to the library to check out a copy of Plato's Republic. There is then a communication between Jones and Plato. Jones and not Plato initiated this communication.

(2) Source-initiated communications are communications occasioned by a message source. Someone who wishes to be heard reaches others with a message which, at least at that moment, they were not seeking; e.g. with a remark at a dinner party, with a commercial in the middle of Kojak, with a picket sign in a public place.

The source-initiated message is always and necessarily a short one. The communication may continue but it does so at the discretion of the receiver. Thus, there is a rough correspondence between the two kinds of communications and the length of the messages communicated. Source-initiated communications are always "spot messages." Full-length programs, if they are attractive and well-publicized, become receiver-initiated communications. This same distinction can be put in other terms as a distinction between two kinds of media access: access to information and access to people. To give people access to information is to provide people with opportunities for receiver-initiated communications. In contrast, those with access to people have an opportunity to "reach" an audience, i.e. to initiate communication with them.

The fundamental strategy of broadcasting is to attract an audience with some kind of entertainment and then to reach that audience with a commercial message. The working message is the spot message. The networks entertain better than anyone else and their power derives from that fact. They monopolise entertainment and thereby audience. By monopolizing audience they monopolize the potential for communications on issues as well. Because they monopolize public attention, they totally dominate source-initiated communications. They tend to dominate receiver-initiated communications as well. The entertainment monopoly establishes viewer habits which make changing to an unfamilar channel the psychological equivalent of running an errand on the way home. (The primary cause of concentration in broadcasting is not scarcity of channels but concentration of the means of audience attraction.)

Proposition 8: Our objective should be a representative diversity of communications on issues-both source-initiated communications and receiver-initiated communications.

Let us consider what is required for each of these types of communications. A. A system of communications which is open to a diversity of receiver-initiated communications is one which provides people with "suitable access to diverse... ideas and experiences". This is the language of the Red Lion decision. A diversity of sources is a necessary but not a sufficient condition of representative diversity in receiver-initiated communications. If there is a full diversity of sources, then, as people exercise choice in seeking out information, the diversity which exists in society will be expressed. A good communications system like a good library makes information from diverse sources available on a wide-range of topics. Notice that there are two kinds of diversity desirable here - topical diversity and diversity of sources.

If it were not for the desirability of having information available from diverse sources, it would be unnecessary to require each broadcaster to provide informational programming. One public television station and/or a single all-news radio station might suffice as a place where news and information could be found by those who wanted to look for it.

One objective is then that news and information from diverse sources should be available to the public. The idea of availability needs more analysis. People have access to information, if and only if, information is accessible or available to them. Information is accessible to people only if it can be located and retrieved at a reasonable cost of time and energy. Accessibility is a matter of degree. Informational programming is accessible to the public to the extent that broadcasters do three things: (1) devote a percentage of airtime to issue-oriented news and public affairs, (2) schedule these programs at times when people are not at work or at dinner or asleep, (3) give prior notice of specific topics to be presented. (What good is a library without a card catalog?) The Commission requires that minimal amounts of non-entertainment programming be provided but it does not require that either of the other two conditions be satisfied. Thus it does not enforce the law which the Court describes in the Red Lion case. The public does not have suitable access...

B. A system of communications in which there is a representative diversity of source-initiated communications is one which includes a system of representative access. This was explained in Part I.

The chief power of broadcasting is the power to reach a large audience. It is access to people or audience-reach that is for sale in commercial broadcasting and it is measured very carefully. Access to people is the thing for sale. Unfortunately, broadcasters are permitted to sell it all. There is no understanding in Commission policy or the law that broadcast programming is organized to facilitate source-initiated communications. Very little thought has been given to utilization of the spot message in the public interest. The Commission seems not to understand the primary function of broadcast communications.

When the matter comes up at all, one hears an objection to this idea. It is said that the spot message is not suitable for the presentation of issues, that people cannot be adequately informed in a minute or two. Here again we find ourselves up against a conceptual deficiency, a mental set which is a mental block. The assumption is that all useful communication is didactic. But the spot message is not didactic or analytical. It functions instead to alert people to new possibilities, to remind, to sensitize, to motivate inquiry. KFRC in San Francisco describes their Free Speech Messages as "consciousness raising minutes." The spot message is not a substitute for public affairs and documentary programs and neither are programs a substitute for spot messages. There is no substitute for the audience-reach of the short message and no substitute for the informational-content of a full length program. The two formats are interdependent. Unless people are alert to a particular problem, they will not seek out information about it. The spot serves <u>to direct public attention</u> to important choices; the public affairs program <u>to inform public opinion</u> about those choices.

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